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Attorney Docket No. 19374-502 NATL

1651
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Farmer
SERIAL NUMBER : 09/647,695 EXAMINER: Davis, R.
FILING DATE : April 6, 2001 ART UNIT: 1651
FOR : METHODS FOR REDUCING CHOLESTEROL USING BACILLUS
COAGULANS SPORES SYSTEMS AND COMPOSITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith for filing in the above-referenced patent application are the following documents:

1. Response to Notice of Non-Compliant Amendment (1 pg.);
2. Copy of Notice of Non-Compliant Amendment (1 pg.);
3. Appendix 1 (4 pgs.); and
4. Return postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at 617-542-6000, Boston, Massachusetts.

The Commissioner is authorized to charge any fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311, Ref. No. 19374-502 NATL. A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,

Date: June 3, 2004


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48223



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 5/3/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Gloria J. Hammel
Legal Instruments Examiner (LIE)

571-272-0561
Telephone No.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Farmer
ASSIGNEE: Ganeden Biotech, Inc.
SERIAL NUMBER: 09/647,695 EXAMINER: Davis, R.
FILING DATE: April 6, 2001 ART UNIT: 1651
FOR: METHODS FOR REDUCING CHOLESTEROL USING BACILLUS COAGULANS
SPORES SYSTEMS AND COMPOSITIONS

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RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT


In response to the May 27, 2004 Notice of Non-Compliant Amendment (the "Notice"), Applicants submit herein a corrected "Amendment to the Claims" section at page 2 of the Response to Final Office Action filed May 3, 2004 (the "Response"). According to the Notice, the listing of the claims presented in the Response does not comply with 37 C.F.R. § 1.121 because a complete listing of all the claims was not present.

A corrected Amendment to the Claims section is attached in Appendix 1. A complete listing of all the claims is presented therein. No new matter is added by this amendment.

With no extension of time, this Response is due on or before Monday, June 28, 2004 (June 27, 2004 being a Sunday). No fee is believed due. However, the Commissioner is hereby authorized to charge payment of any fees or to credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 19374-502NATL.

Respectfully submitted,

Dated: June 3, 2004

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